

Tuesday - June 18, 1996 - 3:00 p.m.

#### Worksession

Present: Mayor Russell Martin, Presiding; Vice-Mayor Barbara Field; Councilman M. Charles Cloninger; Councilman Edward C. Hay Jr.; Councilman Thomas G. Sellers; Councilman James J. Skalski; and Councilman Charles R. Worley; City Attorney William F. Slawter; City Manager James L. Westbrook Jr.; and City Clerk Magdalen Burleson

Absent: None

#### MSD SEWER LINE EXTENSION POLICY

City Council discussed with their MSD representatives, Mr. Larry Casper, Mr. Ben Slosman, and Mr. Mike Holcombe, the recently adopted MSD resolution concerning its sewer line extension policy. Discussion surrounded the inconsistencies between the MSD policy and Council's economic development policy.

The City's representatives answered various questions from Council regarding MSD's rationale behind their no sewer line extension policy; MSD's budget; how, or if, MSD plans for the future; and District boundary expansion.

Councilman Worley wondered if a task force should be appointed to assist in the planning process.

Council and their MSD representatives all agreed that it would be a good idea to meet often to discuss matters of mutual concern.

#### RECYCLING REPORT

Mr. Mark Combs, Public Works Director, said that City Council tabled staff's recommendation for a recycling vendor until the issues of collection conveyance (bin vs. "blue bag" system), frequency of pick-up, and other technical issues can be clarified.

Mr. Jan Davis, Chairman of the Buncombe County Solid Waste Committee, discussed why the Committee felt the City should use the recycling program Buncombe County has in place, which is a weekly pickup with blue bags).

Mr. Davis urged Council to open negotiations with potential contractors to determine that the proposed system meets stated goals and that it will achieve the lowest possible cost. He also requested Council consider cost efficiency of in-house collection and compare private cost proposals to cost for city crews to collect and to review existing time/manning/collection studies.

Ms. Sandy Chiles, Eastern Regional Director of the National Association of Plastic Container Recovery, agreed with Mr. Davis that the City should be consistent with the County in the recycling program. She felt the public education program was the biggest reason that the City and County should work jointly in this program.

Council then asked various questions relating to the rates charged in the County, the term of the contract, if in-house collection was considered, the results of the recycling pilot program the City conducted in the late 1980's, who cleans up when recycling is scattered by dogs, would there be any problems with container space on the trucks, will the County's \$150,000 for a public education program be available to the City, how the City envisions their

educational program to run, and what happens if a household needs more than one bin.

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Mr. Combs said that it was his recommendation, based on cost reasons strictly, that the bid be awarded to the lowest bi-weekly bidder - Curbside Management Inc., in the amount of \$429,120 (bin system).

When Mayor Martin asked Mr. Combs what his experience has been with systems used in other cities, Mr. Combs replied that bins are the most prevalent method used in urban sections.

Ms. Leni Sitnick hoped that the education program would also show people the different number of things that can be recycled. She stressed that it needed to be a comprehensive education program.

When Vice-Mayor Field questioned the 10% difference in weekly vs. bi-weekly pickup, Mr. Combs said that he would furnish the Council with more information on the differences. Vice-Mayor Field then stressed that she wanted the program to be a success and if picking up the recycling once a week will make it consistent, then the Council will need to consider the additional \$50,000.

Councilman Cloninger suggested the City start with the bi-weekly pickup.

It was the consensus of Council to place this matter on the next formal meeting for a final vote.

#### PARADE ORDINANCE

Police Chief Will Annarino said that this ordinance amends Article IV (processions and Assemblages) of Chapter 16 of the Code of Ordinances of the City of Asheville.

In November of 1993, the Honorable Robert P. Johnston, Buncombe County Superior Court Judge, found the definitional section defining "picket lines" of the City's ordinance to be unconstitutional on the grounds that same was vague and over-inclusive. While an appeal from that decision was taken by the Buncombe County District Attorney's Office at the request of the City to the North Carolina Court of Appeals, it was subsequently determined that the appeal should be withdrawn. Upon withdrawing the appeal, the City decided to revisit its parade/picket ordinance in light of current developments in case law.

After extensive research and meetings of staff, an amended ordinance that was approved by the North Carolina Attorney General's Office was submitted to City Council for consideration and adoption on July 25, 1995. Members of City Council asked staff to revisit the ordinance by inviting members of the public to participate in the drafting of the ordinance.

The efforts at revising the July 25, 1995, amended ordinance have been extensive, including numerous staff meetings, revisions, amendments, meetings with citizens interested in the amended ordinance, receiving their input, subsequently revising the ordinance consistent with comments received from the public, additional meetings between staff, substantial research with the final result being this proposed ordinance.

The amended ordinance does not require a permit to engage in picketing activity. However, picketers are encouraged to provide notice to the Chief of Police of intent to picket.

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The ordinance, among other things, makes it unlawful for any person to engage in picketing focused on and taking place in front of a particular residence. The amended ordinance permits the charging of an administrative service fee for the issuance of parade permits with "parade" being distinguished under the terms of the ordinance from "picketing" activity. The ordinance further allows waiver of the administrative fee for indigency. A fee is also permitted to be charged under the ordinance to cover expenses incidental to a request for police escort.

The Asheville Police Department recommends adoption of the amended ordinance.

It was the consensus of Council to proceed with appropriate action at the next formal meeting.

At 5:15 p.m., Mayor Martin announced a ten minute recess.

#### MSD EASEMENT AGREEMENTS

##### Catawba/Broadway and Malvern Hills Park

Mr. Irby Brinson, Parks & Recreation Director, said that the City of Asheville and the Metropolitan Sewerage District of Buncombe County ("MSD") wish to enter into an Easement Agreement for a sewer easement across Malvern Hills Park and Catawba/Broadway.

The City of Asheville and MSD have been working for a period of time to address an Easement Agreement across property operated by the Parks and Recreation Department. The two parcels of property are Malvern Hills Park and Catawba/Broadway. MSD has been willing to work with the City to protect and preserve trees within both areas. In addition, MSD has been sensitive to the concern of the Parks and Recreation Department in regard to the timing of the project in Malvern Hills. They have agreed to not allow construction of the sewer line replacement during the swimming pool season. Both parties agree that the increased number of participants in the Park during this time could cause a potential liability that should be avoided. Both agreements have been reviewed and approved by the Legal staff.

The Parks and Recreation Department recommends that City Council approve easement agreements to allow sewer line replacement across Malvern Hills Park and Catawba/Broadway.

Upon inquiry of Councilman Skalski, Ms. Leni Sitnick said that the Tree/Greenway Commission was involved in the Malvern Hills Park easement, but not the Catawba/Broadway easement.

It was the consensus of Council to proceed with appropriate actions at the next formal meeting.

#### TRAFFIC ISSUES ON EDGEWOOD ROAD

Mr. Doug Spell, Assistant City Manager, said that since December, 1993, City staff has been working with residents regarding various traffic safety concerns along Edgewood Road. During this time, speed studies have been conducted, the speed limit has been reduced, rumble strips installed, signs and pavement markings installed, street lights installed and hedges posing a sight distance problem at the Darcy Lane intersection have been removed. The City has continued to receive complaints from residents living adjacent to Edgewood Road. Staff from

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the Police Department and Public Works Department have met on several occasions with residents living along Edgewood Road.

On May 15, 1996, a neighborhood meeting was scheduled with residents in the vicinity of Edgewood Road. The purpose of this meeting was to "discuss traffic issues/concerns along Edgewood Road and the affects on the surrounding neighborhood". As a part of this meeting, City staff had discussed and prepared a "List of Various Alternatives" to the complaints received along Edgewood Road. City staff addressed each of the alternatives which included discussion outlining "pros" and "cons". At the neighborhood meeting, each of the alternatives were presented and discussed and input was received from the attendees. Approximately 35 residents from the neighborhood attended and also Mr. Tom Byers attended the meeting representing UNC-A. Additionally, 16 City staff members attended the meeting in order to be responsive to issues and concerns raised by residents at the meeting.

Ms. Liz Calloway and Ms. Robin Westbrook, from the Water Resources Department, were co-facilitators for this meeting. City staff had hand-outs available to attendees outlining the "List of Various Alternatives" prepared by staff along with the "pros" and "cons" which staff had identified for each of the alternatives. Each of the alternatives was discussed individually and the facilitators outlined the "pros" and "cons" identified by staff. Following this, "pros" and "cons" from the public were discussed and any questions which were raised or problems which may be encountered were addressed by staff.

As follow up to the meeting, a "To Do List" of items was prepared. The items which were designated for City staff are being followed up with information mailed to the individuals which expressed interest in receiving additional information. This information was mailed out to residents on May 30, 1996, including the schedule for this item to be discussed by City Council at this worksession.

There were three outcomes from the meeting. These outcomes were items which City staff committed to follow up on or perform additional research on prior to taking this item to City Council. These outcomes are as follows:

- Remove existing rumble strips along Edgewood Road on each side of the Darcy Lane intersection;
- Convert the intersections of Edgewood Road/Darcy Lane and Edgewood Road/Hyannis Drive to 3-way stop;
- Convert the section of Edgewood Road from Hyannis Drive southward to University Heights to one-way with the direction of travel being northbound.

Public input portion of this meeting was extremely beneficial. In fact, the idea of considering the conversion of a short section of Edgewood Road to one-way was raised by a resident at the meeting. On May 17, 1996, two days following the meeting, City staff removed the rumble strips on Edgewood Road as requested by residents in the area.

At the neighborhood meeting, Mr. Spells requested Mr. Tom Byers with UNC-A to investigate the issue of converting the aforementioned section of Edgewood Road to one-way. During prior meetings and discussions, UNC-A had opted to not take a position on the traffic issue. However, this request is timely since UNC-A is undergoing the process of reviewing its Campus Master Plan. On June 10, 1996, he received a reply from Mr. Byers on behalf of UNC-A. In this reply, UNC-

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A indicated that they are "reluctant to concur with a proposal for converting the Edgewood Road connection at the

campus border to one-way traffic". As indicated in his letter, UNC-A felt that blocking access via Edgewood Road would constitute a major hindrance to students, staff and other participants that find it to be the most efficient route for access to the University. He reviewed a letter from Mr. Alyn Pruett with Wallace Roberts & Todd, Master Plan Consultants for UNC-A, outlining the concerns they have regarding this proposal. In Mr. Byers letter, he indicates that the University urges "that the established two-way traffic flow be maintained".

City staff has evaluated the requested outcomes from the neighborhood meeting, along with the concerns expressed by UNC-A. As previously indicated, the removal of the rumble strips along Edgewood Road on each side of Darcy Lane were an administrative function which staff has proceeded with action on this item. Likewise, early on as a part of the discussions of traffic problems along Edgewood Road, City staff felt that the conversion of the intersections on Edgewood Road/Darcy Lane and Edgewood Road/Hyannis Drive to a 3-way stop condition would assist to improve traffic and safety concerns raised by residents. The purpose of the proposal to convert the section of Edgewood Road from Hyannis Drive southward to University Heights to one-way with the direction of travel being northbound was proposed as a means of encouraging vehicular traffic to utilize alternate accesses into UNC-A. The indication that vehicles would travel south on Barnard Avenue, which connects to W.T. Weaver Boulevard, would not seem to be a frequent occurrence due to the travel distance. It would, however, encourage traffic to utilize a more direct access by using W. T. Weaver Boulevard. The other concerns raised by the Master Plan Consultants for UNC-A are either enforcement issues for vehicles traveling the wrong direction on a one-way street or can be addressed by additional signage to assist motorists. Therefore, staff would propose the designation of this section of Edgewood Road to one-way. This would allow UNC-A, residents along Edgewood Road, and motorists using Edgewood Road, along with City staff to evaluate any problems occurring as a result of this traffic change. He noted that this is not an irreversible situation and if problems do occur the City could move forward to reinstate the roadway to two-way as it currently exists.

City staff recommends that the City Council approve a resolution authorizing City staff to implement the necessary traffic control measures to convert the intersection of Edgewood Road/Darcy Lane and Edgewood Road/Hyannis Drive to 3-way stop and to convert the section of Edgewood Road from Hyannis Drive southward to University Heights to one-way with the direction of travel being northbound. City staff could move forward to make these changes and begin to observe travel along Edgewood Road and other streets serving the neighborhood and UNC-A to determine if problems arise. This will facilitate City staff addressing problems prior to the start of the Fall Semester at UNC-A.

Mr. James Cheeks, Traffic Engineer, and Mr. Spell answered various questions from Council.

Councilman Cloninger felt it was a good idea to at least experiment with the one way idea for perhaps six months.

A neighborhood resident stated that just having a 3-way stop will not help because the stop signs in the area are already not being obeyed. He hoped this proposal would not only deal with the safety concerns of their neighborhood, but also address safety concerns of the people on campus.

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Ms. Patsy Reed, Chancellor of UNC-Asheville, spoke in opposition to the one-way section. She said that they have already asked their vendors not to use Edgewood Road with their trucks. She did support the use of the 3-way stop but have grave concerns about making that portion of Edgewood one-way. She explained that UNC-A is a large community and they (meaning students, staff, etc.) have not been notified of this proposal for their input. If Council decides, however, to proceed with the one-way section, she asked it not be started this summer. If the 6-month trial is started in the fall, she felt that specific criteria should be developed for monitoring.

A neighborhood resident said that they have tried to talk with UNC-A for years about the traffic problems in their neighborhood and have received no response. He supported the trial one-way traffic on that portion of Edgewood Road.

Police Chief Will Annarino said that the Police Department would be depending heavily on the UNC-A campus police for enforcement of this traffic change.

Vice-Mayor Field felt that perhaps UNC-A has been left out of some of the planning in this proposal. She felt that starting the one-way program in the fall would be a good idea, but preferred starting out with the 3-way stop proposal before making any one-way changes.

A resident of the area said that there would be no drastic change in the lifestyles for the students at UNC-A with the one-way section.

Mr. David Whitley, neighborhood resident, supported the one-way traffic change.

It was the consensus of Council to proceed with appropriate action at the next formal meeting.

### **STANDARDS FOR TELECOMMUNICATIONS TOWERS AND ANTENNAS IN ALL ZONING DISTRICTS**

Ms. Julia Cogburn, Planning Director, said that this ordinance would establish regulations for telecommunications towers in all zoning districts within the jurisdiction of the City of Asheville.

The City's current zoning regulations have very few requirements addressing the siting of telecommunications towers and antennas. At the direction of City Council, the staff of the Planning & Development Department has conducted research and drafted a proposal for regulating such towers.

This draft ordinance proposes standards for the height, setback, lighting, and buffering of telecommunication towers and antennas along with other specifications. In early May these suggested standards were sent to representatives of the telecommunications industry as well as to citizens groups in Asheville for their review.

At the Planning & Zoning Commission ("Commission") meeting held on June 5, 1996, the Commission decided at that meeting to continue the meeting in order to provide an opportunity for staff to meet further with industry representatives to try to address any remaining concerns. Staff met with the industry representatives on June 11 and reviewed/reworked this ordinance in detail.

At their meeting on June 13, the Commission voted unanimously (4-0) to recommend this ordinance to Council.

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She said that the words "antenna", "antenna, concealed", and "telecommunications tower" were added to the definition section in the zoning ordinance. She then proceeded to highlight for Council the following regulations:

A. Sec. 30-5-2.A. R-1 single family residential district. *Permitted uses.*; Sec. 30-5-3.A. R-2 low density residential district. *Permitted uses.*; Sec. 30-5-4.A. R-3 medium density residential district. *Permitted uses.*; Sec. 30-5-5.A. R-4 high density residential district. *Permitted uses.*; Sec. 30-5-6.A. R-5 residential district. *Permitted uses.*; Sec. 30-5-1.1 A. R-1A (single family) moderate density residential district. *Permitted uses.* of Appendix A of the Code of Ordinances of the City of Asheville be amended by inserting the following paragraph:

Antennas when attached to an existing non-residential structure provided the following requirements are met:

1. No antenna shall interfere with usual and customary radio and television reception excepting broadcast facilities as provided for in the regulations of the Federal Communications Commission (FCC).

2. All antennas must comply with FCC and Federal Aviation Administration

(FAA) guidelines.

3. Antennas shall be restricted to the minimum standards of lighting required by the FAA. All antennas that require flashing lights by the FAA shall utilize a dual lighting system consisting of a white strobe light for daytime lighting and a red flashing light for nighttime lighting.

4. No telecommunications towers shall be located on top of buildings. Antennas located on top of buildings or other

structures shall not exceed over 30% of the building height. In no event shall an antenna extend beyond the structure in any direction greater than 25 feet. All antennas placed on structures shall be concealed antennas.

5. No antennas shall be constructed in local historic districts or on the property on which a local historic landmark is located.

6. Telecommunications towers are prohibited in residential districts, however, telecommunications towers and antennas erected solely for a residential, non-commercial individual use such as residential television antennas, satellite dishes, or ham radio antennas are exempt from regulation.

B. Sec. 30-5-11.A.. CBD central business district. *Uses permitted.* of Appendix A of the Code of Ordinances of the City of Asheville be amended by inserting the following paragraph:

Antennas when attached to an existing structure provided the following requirements are met:

1. No antenna shall interfere with usual and customary radio

and television reception excepting broadcast facilities as provided for in the regulations of the Federal Communications Commission (FCC).

2. All antennas must comply with FCC and Federal Aviation Administration

(FAA) guidelines.

3. Antennas shall be restricted to the minimum standards of lighting required by the FAA. All antennas that require flashing lights by

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the FAA shall utilize a dual lighting system consisting of a white strobe light for daytime lighting and a red flashing light for nighttime lighting.

4. No telecommunications towers shall be located on top of buildings. Antennas located on top of buildings or other structures shall not exceed over 30% of the building height. In no event shall an antenna extend beyond the structure in any direction greater than 25 feet. All antennas placed on structures shall be concealed antennas.

5. No antennas shall be constructed in local historic districts or on the property on which a local historic landmark is located.

C - Sec. 30-5-7.A. CR commercial regional district. *Uses permitted.*; Sec. 30-5-8.A. CS commercial service district. *Uses permitted.*; Sec. 30-5-9.A. CG commercial general district. *Uses permitted.*; Sec. 30-5-10.A. CH commercial highway district. *Uses permitted.*; Sec. 30-5-12.A. OI office-institutional district. *Uses permitted.*; Sec. 30-5-13.A. LI light industrial district. *Uses permitted.*; Sec. 30-5-14.A. HI heavy industrial district. *Uses permitted.*; Sec. 30-5-16.A. NC neighborhood commercial district. *Uses permitted.* of Appendix A of the Code of Ordinances of the City of Asheville shall be amended by adding the following paragraph:

Telecommunications towers and antennas provided the following requirements are met:

1. No telecommunications tower or antenna shall interfere with usual and customary radio and television reception excepting broadcast facilities as provided for in the regulations of the Federal Communications Commission (FCC).

2. All telecommunication towers and antennas must comply with FCC and Federal Aviation Administration (FAA) guidelines.

3. Telecommunications towers and antennas shall be restricted to the minimum standards of lighting required by the FAA. All towers that require flashing lights by the FAA shall utilize a dual lighting system consisting of a white strobe

light for daytime lighting and a red flashing light for nighttime lighting.

4. Minimum setbacks for telecommunications towers shall be in accordance with the setback requirements set forth in the development standards for this district provided that the buffering requirements set forth in 5., below, may be met. Additionally, telecommunications towers must setback from any residentially zoned properties a distance equivalent to the height of the tower being erected or 125 feet, whichever is greater.

5. Telecommunications towers shall be buffered from adjacent properties pursuant to the requirements set forth in Sec. 30-3-14.B.1. regardless of adjacent zoning district classifications or uses.

6. No telecommunications towers shall be located on top of buildings. Antennas located on top of buildings or other structures shall not exceed over 30% of the building height. In no event shall an antenna extend beyond the structure in any direction greater than 25 feet. All antennas placed on structures shall be concealed antennas.

7. No telecommunications towers or antennas shall be constructed in local historic districts or on the property on which a local historic landmark is located. Telecommunications towers shall not be constructed within 1000 feet of any local historic district.

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8. Telecommunications towers shall not be constructed unless the company erecting the tower has general liability coverage of at least \$1,000,000. Each company shall provide the city with the name of their insurance provider each time an application is submitted to construct a tower.

9. Telecommunications towers shall have a flat gray or galvanized finish.

10. Telecommunications towers over 125 feet in height shall be constructed to provide for at least one additional user. Broadcast AM towers are exempt from this requirement.

11. No two telecommunications towers shall be constructed within 1320 feet of each other unless documentation is provided to the Department of Planning and Development to show that co-location on towers within the 1320 feet is not technically feasible. Broadcast AM towers are exempt from this requirement.

12. No telecommunications tower shall be constructed without first looking at other possibilities within 1320 feet for location of an antenna on structures other than a tower. Such structures include billboards, church steeples, etc.

13. Monopole-type telecommunications towers are encouraged and shall receive a reduction in setback distances of up to 50% of the setback requirement stated in item 4 above. In no event shall the setback be less than 125 feet.

14. The base of the telecommunications tower along with any individual guy wires shall be enclosed by a fence a minimum of 8 feet in height.

Ms. Cogburn noted that there is still one outstanding issue left. That issue is that the telecommunications industry would like to have the location in residential districts for the telecommunications towers an option that will be open for them, since at this time the towers are not permitted. The Planning & Zoning Commission ("Commission") and staff did not feel that not permitting the towers in residential districts would limit their capabilities to serve the community. She noted that any denial of telecommunications tower permits will be an automatic appeal to City Council.

City Attorney Slawter responded to questions concerning liability insurance.

Councilman Cloninger thanked the staff for their work on this proposed ordinance, but personally felt it needed to be more strict in terms of where they can locate, their size and appearance. He wanted to be sure the towers were less conspicuous and less intrusive. He wondered if staff could amend the ordinance to put in incentives for the industry to place the antennas on other structures, such as billboards and church steeples.



Ms. Bonnie Newell, representative of BellSouth, and Ms. Cogburn answered various questions from Council regarding the need for telecommunications towers, the height concerns, the co-location advantages, the number of towers already in Asheville and the lighting requirements at the top of the towers.

Councilman Hay also expressed interest on placing height restrictions on the towers and adding incentives to the ordinance to make it more advantageous to co-locate on towers.

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Councilman Skalski suggested a provision be included in the ordinance regarding density.

It was the consensus of Council to proceed with appropriate action at the next Council meeting.

**CONSENT:**

**Bids regarding Fire Tactical Response Midi-Pumper**

Summary: Sealed bids were received to furnish one tactical response midi pumper for the Fire Department. Three bids were received. This unit will be a replacement for Vehicle #MT945. Staff recommends that the award be made to the low bidder, Chief's Fire and Rescue Inc., Jefferson, N.C., in the amount of \$150,218 for the purchase of one 1997 Freightliner cab and chassis with a 3-D Model Midi Pumper Rescue Squad body. The following bids were received:

**Vendor Net Cost**

Chief's Fire & Rescue Inc., Jefferson, N.C. \$150,218

Hackney & Sons Inc., Washington, N.C. \$150,285

Emergency Vehicles, Inc., Lake Park, Florida \$166,200

Funds for this purchase are appropriated in Account Code 20-420-40-471-00-5741.

**Bids regarding Station Alerting System**

Summary: Sealed bids were received to purchase a station alerting system for the Fire Department. Three bids were received.

The station alerting system will be an addition to the existing communication center console which is maintained under a maintenance agreement with Motorola Inc., Installation of the system alerting system will require a portion of that console to be dismantled and programmed to interface with the new system. The Motorola maintenance agreement requires all work performed on the console to be performed by a factory authorized Motorola Service Center. Bidders were informed of these requirements in the bid specifications.

The low bidder, Whitley's Communications, Asheville, N.C., is not recommended to receive the award because they are not authorized by Motorola to perform this work, and no provisions were included in their proposal to furnish installation of the system through an authorized service agent.

Staff recommends that the award be made to the second low bidder meeting all requirements of the bid specifications, Communication Service Asheville, N.C., in the amount of \$35,566.50 for the purchase and installation of a "Zetron" station alerting system. The following bids were received:

**Vendor Net Cost**

Whitley's Communications, Asheville, N.C. \$33,995.00

Communication Service, Asheville, N.C. \$35,566.50

Asheville Communications, Asheville, N.C. \$37,967.00

Funds for this purchase are appropriated in Account Code 20-420-40-471-00-5741.

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### **Outdoor Special Events Package**

Mr. Jeff Joyce, Program Supervisor, said that the purpose of this resolution is to approve the "Outdoor Special Events Package" for use by all City Departments. This package provides our customers, the general public, with all the information they need in preparing for the conduction of an Outdoor Special Event.

Any group that wishes to conduct an Outdoor Special Event in the City of Asheville presently must go to as many as five different departments of the City in order to obtain permission. This package provides Event Organizers with all the specific information, permits, and instructions that will help them make the Event a success.

The Parks and Recreation Department, along with the Special Events Task Force, requests that the Outdoor Special Events Package be approved for immediate use by City departments.

### **Budget amendment re: Livingston Street Ballfield Lights**

Summary: Currently, the ballfield lights at Livingston Street Field are well below the standards set by Illuminating Engineering Society and, therefore, present a safety hazard to participants within the Adult Softball Program.

The ballfield lights at Livingston Street are over 20 years old and have deteriorated to the point where the illumination level has fallen below recommended safety standards established by Illuminating Engineering Society. In addition, the wooden poles at the ballfield continue to deteriorate and also represent a safety problem due to 20 years of wear and tear. Because of these problems, we are not able to adequately program ball games in the late evening hours in order to provide safe conditions for the participants in our programs. The estimated cost based upon past experience with the relighting of ballfields has been approximately \$60,000 per field.

The Parks and Recreation staff recommends that \$60,000 be transferred from the Building Fund Contingency into capital improvement budget to replace the lights at Livingston Street Ballfield.

### **Budget Amendment re: Fuel Price Escalation**

Summary: This budget amendment, in the amount of \$65,000, is to reflect increases in the cost of the City's motor vehicle fuel purchase.

The Fiscal Year 1995-1996 Fleet Management Budget was developed using an average price per gallon of \$0.90 for motor vehicle fuel. Throughout the year we have seen the price increase for all the types of fuel we purchase. We are now paying \$0.922 for kerosene, \$1.134 for unleaded, and \$0.911 for diesel. The attached budget amendment increases the Fleet Management appropriation for the purchase of fuel by \$65,000 (from \$557,500 to \$622,500) and provides the offsetting revenue of \$65,000 by an increase in the Fleet Management Charges account. These changes should permit continued fuel purchases through the balance of the fiscal year.

### **Budget amendment relative to the Buncombe County Drug Commission**

Summary: The Buncombe County Drug Commission has submitted a request to the City Council Outside Agency Committee for \$15,000 as the City's contribution to the funding of the Drug Commission's work in support of the Mayor's Drug Forum.

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The Council Outside Agency Committee supports this funding request and recommends to the City Council that the

request e funded in the current year.

This budget amendment establishes the appropriation to fund the request and transfers \$15,000 from the General Fund contingency. The General Fund contingency balance before this appropriation is \$18,031.

### **Establish Fair Reuse Value for Certain Disposal Parcels in the East End/Valley Street Redevelopment Area**

Summary: Certain disposal parcels in the East End/Valley Street and Head of Montford have been appraised, the appraisals reviewed and it is now necessary to establish the Fair Reuse Value in order to market the property.

Disposal Parcel 9A is located on Dundee Street in the East End and due to its small size is most likely to be sold to an adjacent owner. Disposal Parcels 6B and 6C are located on Montford Avenue in Montford, comprising approximately 1.4 acres and zoned for commercial development. Tract 3 is located on Short Street in Montford and due to its small size is most likely to be sold to an adjacent owner.

Each Disposal Parcel was appraised by Francis Naeger, MAI. The appraisals were reviewed by Benjamin T. Beasley, MAI, who concurred and recommended the appraised values as the Fair Reuse values.

#### **Disposal Parcel # Approved Use Appraisal**

6B Commercial \$179,500

6C Commercial \$ 69,400

Tract 3 Residential \$ 3,300

East End - 9A Residential \$ 2,000

### **Designation of Asheville's Agent - FEMA**

Summary: The Public Works Department is required to submit an updated "Designation of Applicant's Agent" form with each request for reimbursement of costs associated with storms covered under the Federal Emergency Management Act. This is for the storms of January 6-9 and 12-14, 1996.

The Public Works staff recommends that Mark Combs, Director of Public Works, be designated as the Applicant's Agent.

### **Municipal Agreement for McDowell Street Viaduct**

Summary: This agreement with N.C. Dept. of Transportation ("NC DOT") will outline the responsibilities of the City and NC DOT for replacement of the McDowell Street viaduct. The City will be responsible for making necessary changes, relocation and adjustments to any public or privately-owned utility or any municipally-owned utilities. Adjustments to utility manholes of two feet or less will be made by NC DOT. The City is required to enforce the traffic operating controls. The bridge design includes outriggers and a conduit system for mounting lights for the poles and fixtures proposed for the project.

Project plans have been completed and the right-of-way has been acquired. At present, all issues with the bridge replacement have been resolved by the NC DOT, the Historic Resources Commission ("HRC") and

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the N.C. Historical Resources Commission. A Certificate of Appropriateness is pending approval from HRC.

### **City Clerk directed to advertise an offer of purchase for upset bids regarding disposal of 17.282 acres of vacant land off Ascension Drive**

Summary: The City has received an offer from Cornerstone Realty Group Incorporated in the amount of \$200,000 for the purchase of 17.282 acres of vacant land off Ascension Drive. This action will advertise for upset bids.

The City is the owner of record of a 17.282 acre tract of vacant land off Ascension Drive adjacent to the Meadows Apartments. The property has remained vacant since the City acquired it in 1981. The City has received, from Cornerstone Realty Group Inc. an offer to purchase this tract of land. As the current owner of Meadows Apartments, Cornerstone Realty Group Inc. is an REIT corporation and intends to construct market rate apartments on the property.

### **Easement in Highland Place**

Summary: This resolution authorizes the Mayor to execute a non-warranty deed relinquishing an easement owned by the City now Highland Place, a former roadway that once provided access to the former residence of William Quarterman.

On May 25, 1979, the N.C. Dept. of Transportation conveyed to the City of Asheville a deed of easement 20 feet in width for the purpose of constructing, locating, maintaining and repairing a sanitary sewer and/or water line across an access roadway leading to the former residence of William Quarterman known as Highland Place. Thereafter, the Department discovered that it had, by mistake, conveyed to the City the entire roadway in Deed Book 1219 at Page 59. In Deed Book 1400 at Page 30, the City of Asheville corrected that mistake by preparing a deed of correction whereby the City reconveyed the entire roadway to the Department, reserving for itself a joint use easement over the roadway for use as a fire lane in addition to the purpose of constructing, locating, maintaining and repairing a sanitary sewer and/or water line easement with a width of 20 feet. The roadway (as described in Deed Book 1400 at Page 30) is not open on the ground. The easement has not, and continues not, to be utilized by the City of Asheville for fire purposes nor by the Asheville/ Buncombe Water Authority for water line purposes.

Appropriate City staff have been consulted and neither the Fire Department nor the Water Resources Department, through the Asheville/Buncombe Water Authority, utilize the easement and anticipates no future use of such easement to the extent it crosses Mr. and Mrs. Candler's property.

Staff recommends that the City relinquish the easement to the extent it crosses Mr. and Mrs. Candler's property.

### **Janitorial Services for City Hall**

Summary: The City, through the Parks & Recreation Department, periodically solicits bid proposals for janitorial services for City Hall using the informal bid process. Bid specifications are distributed along with the advertisement for bids so that all bid proposals reflect the same scope of work. The informal bid process was engaged in April,

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1996. A total of 71 advertisement for bid letters were sent out, including 25 to certified minority businesses registered with the City. Advertisement letters were also sent to the Asheville Business Development Center, the City's Minority Business Office and other similar business resource organizations. Seven bid proposals were received, including five from certified minority businesses. The three lowest bidders were qualified and are listed below:

#### **Firm Name and Location Base Bid**

Mr. D's Cleaning, Asheville, N.C. \$35,040 RCL Carpet Cleaning & Janitorial Service, Asheville, N.C. \$46,000 L&M Janitorial Services, Asheville, N.C. \$49,995

After review of these bid proposals and the qualification process of the bidders, it was determined that Mr. D's Cleaning would be selected as the lowest qualified bidder and City staff seeks Council's approval to enter into a contract to perform janitorial services for the City Hall building for one year for the bid amount of \$35,040.

### **Skyland Station Design Contract**

Summary: Pursuant to its lease agreement with the Skyland Fire Department, the City of Asheville is ready to retain an architect for design of a new fire station to serve the South Asheville area.

On November 21, 1995, the Council approved a lease agreement with the Skyland Fire Department, through which the City would hold a 99-year lease on land owned by the Skyland Fire Department on which to build a new fire station for the South Asheville area.

The Skyland Fire Department is also building a new fire station on the same site. It was anticipated in the lease agreement (z) that, although on separate pieces of property, the Skyland and Asheville fire stations would be contained in the same building shell, and (b) that, for the purposes of economy and compatibility, the underlying design of each fire station would be the same. It is the opinion of the Fire Chief that these interests can best be addressed by retaining Barney P. Woodard, the architect that Skyland has retained, to perform the architectural services required for Asheville's fire station.

Mr. Woodard has proposed a standard fee of 7.5% of estimated construction costs of \$350,000. The City's estimated construction cost has been included as part of the City's Capital Improvement Program for this (and succeeding) fiscal years.

### **Next community meeting**

Summary: In order to continue Council's commitment to community oriented government, staff recommends City Council hold their next community meeting on Tuesday, July 30, 1996, at 7:00 p.m. in the Shiloh Recreation Center.

It was the consensus of Council to proceed with appropriate actions at the next Council meeting on the Consent Agenda items.

### **BOARDS AND COMMISSIONS**

It was the consensus of Council to appoint Scott Jarvis as the Chairman of the Asheville Downtown Commission, at their next formal meeting.

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### **ORIENTATION PROGRAM FOR NEWLY APPOINTED BOARD & COMMISSION VOLUNTEERS**

Vice-Mayor Field, Chair of the City Council Boards & Commissions Committee, welcomed all present and briefed them on what would be required of them as City representatives on the various boards and commissions. City staff then met with their individual members.

### **OTHER BUSINESS**

#### **Additional Budget Issues**

Mr. C.D. Williams, resident on W.T. Weaver Boulevard, voiced concern over the new sidewalk to be installed on the south side of W.T. Weaver Boulevard.

Ms. Beth Maczka, Executive Director of the Affordable Housing Coalition, talked about the need for additional resources for housing code inspections. City Manager Westbrook said that he understands the importance of enforcement of the Housing Code and will follow Council's direction in making sure that there are enough resources in order to effectively enforce the Code.

Councilman Skalski passed out a list of 12 questions/concerns/ comments regarding the budget and with the help of the City Manager, City staff and other Council members, each item was addressed.

### **ADJOURNMENT:**

Mayor Martin adjourned the meeting at 8:55 p.m.

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CITY CLERK MAYOR

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